

**CITY OF EL PASO, TEXAS**  
**AGENDA ITEM DEPARTMENT HEAD'S SUMMARY FORM**

**DEPARTMENT:** General Services

**AGENDA DATE:** TBD By Financial Services

**CONTACT PERSON/PHONE:** Jeff Belles, 621-6821

**DISTRICT(S) AFFECTED:** None

**SUBJECT:**

**APPROVE** a resolution / ordinance / lease to do what? **OR AUTHORIZE** the City Manager to do what? Be descriptive of what we want Council to approve. Include \$ amount if applicable.

Terminate contract 2004-196 with Redburn Tire for non-performance.

**BACKGROUND / DISCUSSION:**

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action? What are the citizen concerns?

On numerous occasions over the last 6 months Redburn has been unable to meet the terms of the contract. They have been out of tires, including patrol car tires. They have taken weeks to deliver tires when they do have them. When we call for tires they do not return phone calls. They give us a delivery time and then do not deliver. We now have to order tires from other vendors in town who have the tires in stock.

**PRIOR COUNCIL ACTION:**

Has the Council previously considered this item or a closely related one?

Yes

**AMOUNT AND SOURCE OF FUNDING:**

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

45202-37370510-503121, fleet Services Internal Service Fund

**BOARD / COMMISSION ACTION:**

Enter appropriate comments or N/A

\*\*\*\*\*REQUIRED AUTHORIZATION\*\*\*\*\*

**LEGAL:** (if required)

**FINANCE:** (if required)

**DEPARTMENT HEAD:**

Jeffrey A Belles

(Example:

if RCA is initiated by Purchasing, client department should sign also)

*Information copy to appropriate Deputy City Manager*

**APPROVED FOR AGENDA:**

DATE: October 25, 2005

TO: Municipal Clerk

FROM: Byron E. Johnson, C.P.M.  
Deputy Director, Financial Services ext. 4313

THRU: Aurora Wells  
Bid Clerk ext. 4038

Please place the following item on the **REGULAR** agenda for the Council Meeting of **NOVEMBER 8, 2005**.

Item should read as follows:

The Deputy Director-Financial Services Requests that Mayor and Council terminate with Redburn Tire Company, Contract No. 2004-196-C1 for Tires & Roadside Service, for default pursuant to Clause No. 18B of the Contract, an item titled Termination for Default, whereby the City reserved the right to terminate the Contract for default.

The user Department was notified & a new solicitation will be issued.

Department: General Services Department

Contact person: Jesus M. Juarez, Procurement Analyst at 541-4317.

\*\*\*\*\*

AGENDA FOR: **NOVEMBER 8, 2005**

\*\*\*\*\*

## RESOLUTION

### BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

**THAT** the Deputy Director for Financial Service be authorized to terminate for default Contract No. 2004-196-C1 entitled Tires & Roadside Service pursuant to the provisions and requirements of Section C, 18B of the Contract Clauses, and to notify Redburn Tire Company that the City is terminating the contract. The termination shall be effective as of November 8, 2005.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

CITY OF EL PASO

\_\_\_\_\_  
John F. Cook  
Mayor

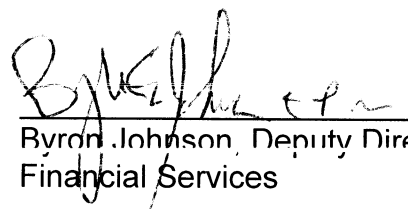
ATTEST:

\_\_\_\_\_  
Richarda Duffy Momsen  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Jorge Villegas  
Assistant City Attorney

APPROVED AS TO CONTENT:

  
\_\_\_\_\_  
Byron Johnson, Deputy Director  
Financial Services

JOHN COOK  
MAYOR

JOYCE WILSON  
CITY MANAGER



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

BYRON E. JOHNSON, C.P.M.  
DEPUTY DIRECTOR FINANCIAL SERVICES

## FINANCIAL SERVICES DEPARTMENT

### FINANCIAL SERVICES-PURCHASING DIVISION

TWO CIVIC CENTER PLAZA  
EL PASO, TEXAS 79901-1196

October 20, 2005

REDBURN TIRE COMPANY  
Mr. Dave Richards, Corporate Sales Manager  
240-1 Derby  
Sunland Park, NM 88063

RE: NOTICE OF INTENT TO TERMINATE  
Contract No. 2004-196-C1, Tires & Roadside Service

Dear Mr. Richards:

This letter is to advise you that the City Financial Services-Purchasing Division intends to recommend termination for default of the referenced Contract effective at 12:00 midnight, November 8, 2005.

The request for termination will be on Mayor and Council's Agenda of Tuesday, November 8, 2005 at 9:00 AM.

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only, No Insurance Coverage Provided)  
For delivery information visit our website at [www.usps.com](http://www.usps.com)

| OFFICIAL USE                                      |    |
|---|----|
| Postage   | \$ |
| Certified Fee                                     |    |
| Return Receipt Fee<br>(Endorsement Required)      |    |
| Restricted Delivery Fee<br>(Endorsement Required) |    |
| Total Postage & Fees                              | \$ |

Postmark  
Here

Sent To  
REDBURN TIRE COMPANY  
Street, Apt. No.,  
or PO Box No. 240-1 DERBY  
City, State, ZIP+4  
SUNLAND PARK, NM 88063

PS Form 3800, June 2002

Very truly yours,

*Jesus M. Juarez*  
Jesus M. Juarez  
Procurement Analyst

JOHN COOK  
MAYOR



CITY COUNCIL  
ANN MORGAN LILLY, DISTRICT 1  
SUSANNAH M. BYRD, DISTRICT 2  
J. ALEXANDRO LOZANO, DISTRICT 3  
MELINA CASTRO, DISTRICT 4  
PRESI ORTEGA, JR., DISTRICT 5  
EDDIE HOLGUIN JR., DISTRICT 6  
STEVE ORTEGA, DISTRICT 7  
BETO O'ROURKE, DISTRICT 8

JOYCE WILSON  
CITY MANAGER

## OFFICE OF THE CITY MANAGER

SEPTEMBER 27, 2005

ATTN: JAMES ELLIS  
REDBURN TIRE COMPANY  
PO BOX 429  
SUNLAND PARK, NM 88063

RE: PERFORMANCE OF CONTRACT #2004-196-C1-TIRES & ROADSIDE SERVICE

Dear Mr. Ellis:

I have received numerous complaints from the Fleet Service Department concerning the service you should be providing for the Tires. Their complaint addresses several issues concerning the service which you agreed to provide the City under the terms of the current contract.

The following are some of the issues that have been forwarded to me:

On August 18, 2005, an order for tire size P235 70/R16 was not delivered due to the fact that you were out of stock. That same day the department ordered a tire, LT235 75R16 and were also told that tire number was not in stock and were sent a different tire, LT235 75R15 which they could not use.

On August 22, 2005, ordered a tire, P235 70/R16, not delivered because you were also out of stock. Called on August 24 to order four (4) tires, P235 70R16 were also told tires were not in stock.

On September 15, tires needed, 235 70/R16 needed eight (8) and 225 75/R15 needed two (2) also had problems with the tires not being in stock or taking too long to deliver

On September 23, 2005, needed tow (2) tires, P225 60r15 told to wait one (1) week, on tires, P225 75R15 told to wait two (2) weeks.

On tires, LT235 85R16 have been waiting one (1) week no delivery yet.

Please provide the City assurances that you will cure the problems as soon as possible. You have Ten Working Days (10) from the day you receive this letter, to submit to me and to Jeff Belles . General Services a satisfactory answer on how you plan on fixing the problems and comply with the terms of the contract. If we do not hear from you or an authorized representative of your company by within that time period, the Financial Services- Procurement Division Department for the City of El Paso will recommend further action on contract # 2004-196-C1-Tires & Roadside Service.

You can contact me at (915) 541-4317

Respectfully  
CITY OF EL PASO

*Jesus M. Juarez*  
Jesus M. Juarez  
Procurement Analyst

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

|   |    |
|---|----|
| Postage   | \$ |
| Certified Fee                                     |    |
| Return Receipt Fee<br>(Endorsement Required)      |    |
| Restricted Delivery Fee<br>(Endorsement Required) |    |
| Total Postage & Fees                              | \$ |

Postmark  
Here

|                                      |                        |
|--------------------------------------|------------------------|
| Sent To                              | REDBURN TIRE COMPANY   |
| Street, Apt. No.,<br>or P.O. BOX NO. | P.O. BOX 429           |
| City, State, ZIP+4                   | SUNLAND PARK, NM 88063 |

PS Form 3800, June 2002 See Reverse for Instructions

004 0750 0003 1321 8935

**MOTION  
JULY 20, 2004**

Motion made by Representative Power, seconded by Representative Cobos and carried to approve Bid No.: 2004-196 Tires & Roadside Service

AYES: Representatives Austin, Cushing, Cook, Power, Escobar and Cobos  
NAYS: Representative Lozano  
NOT PRESENT: Representative Rojas

Award to: Vendor 1 Redburn Tire Co.  
Sunland Park, NM  
Item (s): Part I (new tires) Group A, #1 & #2,  
Group B, #1 & #2,  
Group C, #1 & #2  
Amount: \$160,000.00 (estimated annually)

Award to: Vendor 2 R.B. Wicker Tire & Rubber Co.  
El Paso, Texas  
Item (s): Part II (recap/retread tires) All items  
Amount: \$300,000.00 (estimated annually)

Department: Fleet Service  
Funds available: 37370510-503121-45202  
Funding source: Fleet Service Internal Service Fund  
Total award: \$1,380,000.00  
**District (s): All**

The Fleet Service and Purchasing Departments recommend award as indicated to the lowest responsive offer meeting specifications, from responsible parties.

Vendor #1 & #2 offer the City the option to extend the term of the contract at the same unit prices for two (2) additional years if the option is exercised within two Years from the date of the award.

This is a Requirements Type Contract with an initial term of Thirty-Six (36) months.

Richarda Duffy Momsen, City Clerk